4299. Misbranding of alfalfa tea. U. S. v. 36 Cans, etc. (F. D. C. No. 35653. Sample No. 20445–L.)

LIBEL FILED: September 23, 1953, Southern District of Iowa.

ALLEGED SHIPMENT: On or about August 6, 1953, by the Werner Enterprises Co., from Minneapolis, Minn.

PRODUCT: 36 cans of *alfalfa tea* at Des Moines, Iowa, together with a number of leaflets entitled "Many Thousands are now using alfalfa (seed) tea as a treatment for rheumatoid arthritis." Examination showed that the product consisted of a mixture of seeds, predominantly alfalfa seed.

LABEL, IN PART: "Chlor-a-fal Alfalfa Tea 12 Ounces Net."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for rheumatoid arthritis, whereas the article was not an adequate and effective treatment for such condition.

DISPOSITION: October 23, 1953. Default decree of condemnation and destruction.

4300. Misbranding of Atomotrone. U. S. v. 1 Device, etc. (F. D. C. No. 36063. Sample No. 70051–L.)

LIBEL FILED: October 27, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about September 2, 1953, by Charles A. Schnabel, from Austin, Tex.

PRODUCT: 1 device known as *Atomotrone*, at Pueblo, Colo., together with a leaflet entitled "Completing This Chart Places You Under No Obligation," a leaflet designated "Acidity Acne—I & E," and a leaflet entitled "Announcement Of The New Invention . . . the Atomotrone."

The device was a wood box containing a 275 watt sunlamp operated by household current, pieces of colored glass, and gallon glass jugs of water. The light from the sunlamp would shine through the colored glass on the water in the jugs, making the water in the jugs either "electric" if the glass was colored blue and purple, and "thermal" if the glass was colored red and amber. The "electric" water, the "thermal" water, and a combination of the "electric" water and the "thermal" water were to be used in the cure, mitigation, and treatment of various diseases.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above leaflets accompanying the device were false and misleading. The statements represented and suggested that the device was capable of providing an adequate and effective treatment for acidity, acne, Addison's disease, adenoids, ague, apoplexy, appendicitis, arthritis, asthma, bed-wetting, biliousness, bladder disease (cystitis), bloating, blood clot, blood poisoning, high blood pressure, boils, bronchitis, burns, cancer, carbuncles, catarrh, chickenpox, colds, spastic colon, convulsions, cramps in the limbs, cysts, dandruff, diabetes, diarrhea, dropsy, dysentery, dyspepsia, earache, eczema, epilepsy, xerophthalmia, fever, "flu," fungus infection, gas, high swollen glands, goiter, gonorrhea, gout, gums, hardening of the arteries, hard stool, hay fever, headache, migraine, heartburn, fast heart, hemorrhages, hemorrhoids, hiccough, painful indigestion, infections, itch, nephritis, Bright's disease, liver disease, leukemia, malaria, measles, meningitis, menopause difficulties, flooding, frequent or prolonged menstruation, milk leg, mumps, brittle nails, nervousness, neuralgia, neuritis, nosebleed, overweight, pain, palsy, pellagra, phlebitis, piles, pimples, pleurisy, pneumonia.

polio, prostate trouble, pyorrhea, rashes, rheumatic fever, rheumatism, ringworms, scarlet fever, sciatica, scurvy, shingles, sinus conditions, psoriasis, skin cancer, sleeplessness, running sores, stomach pain, syphilis, tapeworm, thyroid trouble, toxic condition, tuberculosis, typhoid fever, ulcers, uterus conditions, vomiting, whooping cough, inflamed womb, menstruation cramps, anemia, low blood pressure, cataract, chills, poor circulation, colds with much mucus, congested colon, constipation, emaciation, fainting, gallbladder, low glands, slow heart, congestive indigestion, stopped up intestines, delayed menopause, delayed menstruation, soft or no nails, rickets, sleeping sickness, sterility, congested stomach, teeth, weakness, abscess, congested circulation, deafness, debility, digestion, ear discharge, frigidity, gallstone, hernia, diseases of the heart such as angina pectoris, arteriosclerosis, coronary thrombosis, enlarged heart, irregular heart, leakage of the heart, jaundice, cirrhosis of the liver, pains during pregnancy and slow development of pregnancy, pus pocket, tonsils, tired feeling, tumors, varicose veins, and fallen womb. The device was not capable of providing an adequate and effective treatment for such conditions.

DISPOSITION: December 15, 1953. Default decree of condemnation. The court ordered that the device and the leaflets be turned over to the Food and Drug Administration.

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PRODUCTS

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4301–4320

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *February 18, 1950.*

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DRUG ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

4301. Misbranding of vaginal suppositories. U. S. v. 22 Boxes * * *. (F. D. C. No. 36219. Sample No. 45306–L.)

LIBEL FILED: December 30, 1953. District of Rhode Island.

ALLEGED SHIPMENT: On or about July 3, 1953, by the Dr. J. A. McGill Co., from Chicago, Ill.

PRODUCT: 22 boxes of *vaginal suppositories* at Providence, R. I. Each box contained a copy of a leaflet entitled "Dr J. A. McGill Co.'s Suppositories." Examination showed that each suppository weighed approximately 5.47 grams and contained approximately 47 percent ammonium alum and 16 percent borax.

LABEL, IN PART: (Box) "Contents 6 Suppositories * * * Orange Blossom Suppositories * * * Alum–Borax–Petrolatum * * * Dr. J. A. McGill Co. * * * Chicago 16, Ill."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement on the box label and in the above-mentioned leaflet, namely, "For Simple Irritations Of The Vaginal Tract," was false and misleading. The statement represented and suggested that the article was an adequate and effective treatment for diseases of the vaginal tract which are manifested by irritation of the vaginal tract, whereas the article was not an adequate and effective treatment for these diseases.

Further misbranding, Section 502 (j), the article was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in its labeling, namely, "Directions Remove tinfoil at bedtime, insert one suppository in vagina and with your finger push it up as far as you can. Let it remain there undisturbed for three days. Then at night take a douche of warm water, and on the evening of the second day apply again as above making the application every five days excepting at monthly periods, allowing four days for the periods, then apply the suppository every five days."

DISPOSITION: January 25, 1954. Default decree of condemnation and destruction.

VIOLATIVE SALES OF PRESCRIPTION DRUGS

4302. Misbranding of secobarbital sodium capsules. U. S. v. Walter M. Risch (Walter's Drug Store). Plea of not guilty. Tried to the court and jury. Verdict of guilty. Defendant fined $2,500 and placed on probation for 2 years. (F. D. C. No. 35195. Sample Nos. 69251–L, 69262–L, 69272–L, 69276–L, 69282–L, 69291–L.)

INFORMATION FILED: October 27, 1953, District of Colorado, against Walter M. Risch, trading as Walter's Drug Store, Denver, Colo.

NATURE OF CHARGE: On or about November 12 and December 2 and 22, 1952, and January 2 and 16 and February 5, 1953, while a number of *secobarbital sodium capsules* were being held for sale at the Walter's Drug Store, after shipment in interstate commerce, the defendant caused various quantities of the capsules to be dispensed upon requests for refills of a written prescription therefor without obtaining authorization by the prescriber. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drug being misbranded while held for sale.